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Security Council

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Security Council Committee established pursuant to resolution 1737 (2006)

Letter dated 7 March 2007 from the Permanent Representative of Andorra to the United Nations addressed to the Chairman of the Committee

On instructions from my Government, I have the honour to transmit to you herewith the first report of the Principality of Andorra to the Security Council Committee established pursuant to resolution 1737 (2006) (see annex).

My Government will be happy to provide the Committee with such additional information as it considers necessary.

I should be grateful if you would arrange for the text of the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Julian **Vila-Coma**
Ambassador
Permanent Representative

07-26514 (E) 220307 230307

Annex to the letter dated 7 March 2007 from the Permanent Representative of Andorra to the United Nations addressed to the Chairman of the Committee

[Original: French]

Report of Andorra on the steps taken to effectively implement the provisions of resolution 1737 (2006)*

Introduction

The Principality of Andorra has a long tradition of peace. It has always expressed its support at the international level for non-proliferation of nuclear, chemical and biological weapons and has striven for international peace and security.

As a defender of peace, and consistent with a period of more than seven centuries during which weapons and war have been absent from its national life, Andorra has never permitted any enrichment-related, reprocessing or heavy water-related activities, or the development of nuclear weapon delivery systems in its territory. The Principality is therefore determined to participate in efforts made at the international level by numerous States to keep the world free of nuclear weapons and of any related activities.

On 23 December 2006, the Security Council adopted resolution 1737 (2006) calling on Iran to take the steps required by the Board of Governors of the International Atomic Energy Agency (IAEA), which are essential to building confidence in the exclusively peaceful purpose of its nuclear programme and to resolve outstanding questions.

Paragraph 19 of that resolution urges States to submit to the Committee established in accordance with rule 28 of the Council's provisional rules of procedure initial reports on the internal steps they have taken with a view to implementing this resolution.

Andorra therefore submits the following report, which reflects the Principality's willingness to cooperate with the United Nations in its continuing efforts to prevent the proliferation of all weapons of mass destruction, as has often been reaffirmed by the Head of Government, Mr. Albert Pintat, and the Minister for Foreign Affairs, Mr. Juli Minoves.

This report is also based on close cooperation among the relevant Government departments, namely, the Department of Transport and Energy, the Department of Industrial Security of the Ministry of Economic Affairs, the Customs Department, the Department of Health of the Ministry of Health, Social Welfare and Family, the Immigration Department, the Police Service and the Ministry of Foreign Affairs.

We remain, of course, fully at the disposal of the Committee established pursuant to resolution 1737 (2006) and will be happy to provide any additional information it may require, and we are open to all its recommendations.

* Annexes may be consulted at the Secretariat upon request.

I

The Principality of Andorra has never allowed the development in its territory of any activity or industry related to the use of nuclear products, enrichment, reprocessing or heavy water, or the development of nuclear weapon delivery systems. Andorra does not produce, develop, market, buy, possess, use or have stocks of nuclear weapons, their delivery systems, and does not possess obsolete nuclear weapons and does not permit any enrichment-related, reprocessing or heavy water-related activities, or the development of nuclear weapon delivery systems.

The Principality of Andorra nevertheless has laws and regulations to prevent the establishment in Andorra of industries related to the use of nuclear products and sanction any violation of these laws and regulations and of relevant international norms.

On 21 November 1995, the Consell General (Andorran Parliament) approved the country's accession to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). Since that date, the Government has been studying all treaties which relate to combating the proliferation of nuclear, chemical and biological weapons, which constitute a threat to international peace and security.

Under that Treaty, nuclear-weapon Member States undertake not to transfer nuclear weapons or control over such weapons directly or indirectly and not to assist, encourage, or induce any non-nuclear-weapon State to manufacture or acquire such weapons. Moreover, non-nuclear-weapon States such as Andorra undertake not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices and not to seek any assistance in the manufacture of such weapons or devices.

Each non-nuclear-weapon State also undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency for the exclusive purpose of verification of the fulfilment of its obligations assumed under the Treaty and preventing diversion of nuclear energy from peaceful uses. This agreement includes a wide range of technical measures whereby the Agency can independently verify the accuracy of declarations made by States regarding nuclear materials and activities.

The Principality of Andorra signed at Vienna with the Agency the agreement on the application of safeguards in the framework of the Nuclear Non-Proliferation Treaty, and its Additional Protocol and Small Quantities Protocol.

On 24 September 1996, Andorra also signed the Comprehensive Nuclear Test Ban Treaty and ratified it on 12 July 2006. Andorra also deposited its instrument of accession to the Convention on Physical Protection of Nuclear Material on 27 June 2006 and signed the International Convention for the Suppression of Acts of Nuclear Terrorism on 11 May 2006.

Furthermore, pursuant to General Assembly resolution 58/28, Andorra reiterates each year that it has no army and no military spending, and confirms that it has never exported or imported any material falling within the seven categories defined in the United Nations Register of Conventional Arms (see annex 1, for the two latest "nil declarations" sent to the Department for Disarmament Affairs of the United Nations).

Andorra also signed The Hague Code of Conduct against Ballistic Missile Proliferation (HCOC) on 5 April 2005. Under the Code, the first multilateral instrument for preventing ballistic missile proliferation, States undertake to exercise maximum possible restraint in the development, testing and deployment of ballistic missiles, including, where possible, to reduce national holdings of such missiles and not to contribute to their proliferation. The Code also formulates a strong political commitment whereby States resolve to implement and comply with transparency measures to issue: an annual declaration on ballistic missile and space launch vehicle programmes; and the exchange pre-launch notifications on their ballistic missile and space launch vehicle launches and test flights. In that regard, Andorra makes a "nil-declaration" every year (see annex 2).

Lastly, with regard to its politico-military commitments to the Organization for Security and Cooperation in Europe (OSCE), Andorra submits a "Nil-report" to the annual Conflict Prevention Centre questionnaire on the import and export of conventional arms (annex 3).

It is important to note that all the international conventions or treaties adopted by Andorra become part of domestic law upon their entry into force. Article 3 of the Constitution of Andorra provides that international treaties and agreements take effect in the country's legal system from the moment of their publication in the Official Gazette of the Principality of Andorra and cannot be amended or repealed by law. It follows that Andorra fulfils its international obligations under treaties on the non-proliferation of nuclear and chemical weapons without having to adopt specific measures in its domestic legislation. International treaties adopted by Andorra are therefore second only to the Constitution, in terms of the hierarchy of norms.

As regards domestic legislation, the Andorran Parliament adopted on 21 February 2005 the text of a new Penal Code, which came into force on 23 September 2005. The new Penal Code takes into account all the penal provisions set forth in the counter-terrorism conventions and other treaties currently in force and in particular strengthens criminal penalties in the context of efforts to combat the proliferation of nuclear weapons.

The new Penal Code includes two chapters dealing with nuclear energy and major damage. They contain a total of nine articles, which penalize:

- Illicit possession of nuclear material or radioactive products;
- Import, export, transport or stockpiling;
- Exposure of individuals to ionizing radiation;
- Disruption of establishments, facilities or services where radioactive products or nuclear material may be used;
- Loss or emission of radiation through negligence;
- Damage caused by negligence, placement or shipping of explosives;
- As for chemicals or biological products, non-compliance with safety standards presenting a real risk of danger to persons is likewise criminalized.

Article 265 of the new Penal Code also prohibits the production, development, marketing, transfer or stockpiling of weapons of war or their munitions, which

activities are punishable by four to ten years' imprisonment. Attempts to commit such offences are also punishable. Possession of more than one such weapon or munition, regardless of model or category, even when disassembled, is considered as stockpiling of weapons of war. Possession of a single weapon of war is punishable as possession of a prohibited firearm. Marketing includes acquisition, sale, import or export.

Any weapon so defined in the relevant statutory provisions is considered to be a weapon of war. Article 2 of the Decree of 3 July 1989 on the possession, use and circulation of weapons prohibits the production, import, circulation, possession, use, purchase, sale and advertising of certain weapons, including weapons of war (weapons, vehicles, equipment and materials of all types and their basic parts, as well as munitions, designed or intended for warfare or for exclusively military uses).

As regards the financing of weapons production activities, and in the context of the campaign against terrorist groups, article 336 (2) of the new Penal Code criminalizes the provision and receipt of money and in general any other equally serious form of economic or other cooperation, assistance or mediation in the activities of a terrorist group.

Article 262 of the new Penal Code criminalizes violations of safety standards posing a specific threat to persons. An individual who, when producing, handling, transporting, possessing or marketing materials, residues, devices, organisms or hazardous substances, violates established safety standards and endangers the life or health of persons is liable to up to two years' imprisonment.

Although Andorra does not produce or purchase nuclear weapons or products, the Sensitive Materials Control Act and the Act on Industrial Safety and Quality would be applicable to the handling by natural or legal persons of nuclear products. In promulgating the Act on Industrial Safety and Quality of 22 June 2000, Andorran legislators endeavoured to close any legal loopholes which might allow a natural or legal person to handle such products in total secrecy.

That Act seeks to prevent and limit risks and establish effective safeguards against incidents or accidents which may occur during an industrial activity and which could endanger the life of persons or cause damage to facilities. Safety procedures must be followed at all stages of industrial activity, from production to use, including the storage and transport of industrial products, in accordance with article 6 of the Act.

This general Act is complemented by regulations relating to the safety provisions of the Act. The Regulation concerning explosive substances of 4 May 1976, amended a number of times, most recently on 5 October 1995, establishes the legal framework governing the conservation, sale, import and use of explosive substances employed in Andorra for the construction of tunnels and buildings and avalanche provocation.

With regard to the physical protection of facilities and materials, the Act on Industrial Safety and Quality contains provisions for the prevention and limitation of risks such as fire, explosion or any other event that may cause burns. Industrial facilities and products, as well as their use and functioning, must meet the requirements set out in the Act or be subject to a fine or temporary or permanent closure of the facility.

The safety of facilities is monitored by the competent ministry, which may itself or through monitoring bodies, at the request of any interested individual or ex officio, undertake an inspection at any time to ensure that safety procedures are being followed (article 11 of the Act). These monitoring bodies, also called inspection and monitoring enterprises, are public or private entities possessing juridical personality and are required to have the human and material resources, as well as the essential impartiality, for such activities.

Those responsible for industrial activities are required to submit for the Register of Industrial Activities maintained in the Department of Commerce of the Government of Andorra information concerning the type of activities conducted and their location, in order to facilitate the provision of information about industrial activity to the public.

Non-compliance with that obligation is considered as negligence and punished by a fine of 600 euros. Refusal to cooperate with experts or inspectors from the Government or the monitoring bodies is likewise considered as negligence.

The Act lists acts or omissions which could pose a risk to the facilities or materials contained therein and which are considered as serious negligence and are punished by a fine of between 600 and 6,000 euros: firstly, the production, import, sale, transport or use of products and elements in violation of industrial safety standards (article 23a), or the start-up of facilities without due authorization, if such authorization is required pursuant to the relevant regulations (article 23b); secondly, concealment of information or provision of false information for the Register of Activities or repeated and undue delays in providing information (article 23c), failure to provide the Government with information requested (article 23d) and issuance of certificates or reports containing false information (article 23e); and, lastly, inadequate maintenance of facilities which could pose a risk to persons (article 23i).

Pursuant to article 24 of the Act, if any of the acts described above expose persons to very serious and imminent danger or cause serious injury, they are considered as very serious offences punished by a fine of between 6,000 and 60,000 euros.

The Sensitive Materials Control Act defines all the requirements which must be fulfilled by all those who work with goods considered to be sensitive, and their responsibilities, including with regard to all commercial activities: production, import, distribution, retailing, transport or storage. Persons involved in such activities must have a licence to work with sensitive goods. Articles 3 and 4 specify who may apply for such a licence and indicate the information to be given in the licence, for example the list of facilities authorized to handle sensitive goods. Such activities must be documented in a record of invoices issued and received as well as inventory lists, in order to ensure the greatest possible transparency in all the above-mentioned operations, as set out in articles 5 and 6 of the Act.

According to article 2 of the Act, all persons working with sensitive goods, defined as natural or legal persons involved in operations such as production, processing, import, export, distribution, commerce, transport and storage of such goods must at the request of the Finance Ministry submit the records and all supporting documentation regarding those records and any economic operations transacted with third parties. The operator must also retain all such documents for a

period of five years (article 8). Non-compliance with any of the above obligations is penalized by a fine, without prejudice to possible criminal penalties in certain cases. The fine varies from 3,000 euros for less serious offences to 300,000 euros for the most serious offences.

Lastly, TEDAX (Techniciens pour le désamorçage des engins explosifs — explosive ordnance disposal (EOD) experts), a branch of the Andorran police, is the competent unit for matters involving explosives. Some members of TEDAX have also received specialized NR/NBC (nuclear radiation and nuclear, bacteriological and chemical toxins) training in the disarming and neutralization of nuclear, biological and chemical products or weapons and the preparation of contingency plans for such incidents. The remaining members of the unit should receive the same training in 2006.

As for related materials or products, Andorran legislation provides for appropriate measures to monitor the entry into the Principality of such items, to track them and to take appropriate physical protection measures.

The Sensitive Materials Control Act, the aim of which is to put a stop to all illicit activities in the area of sensitive materials, provides for appropriate monitoring so that acts which constitute misdemeanours or serious offences under customs law may at the same time be verified and investigated beforehand by the Administration, and be penalized a posteriori pursuant to the appropriate rules of law.

To that end, the Act defines as "sensitive" any materials which may constitute a danger to health or public safety or may be used in fraudulent international or black market transactions.

The same instrument also defines all the conditions and obligations to be complied with by a person wishing to engage in any activity involving goods considered as sensitive, as well as possible commercial activities which involve dealing in sensitive goods, such as manufacturing, import, distribution, retailing, transportation or storage of such goods.

Persons engaging in such activities are required to have an official authorization to handle sensitive goods, and to record such transactions in a register of invoices issued or received and of stocks, which is essential in order to give the greatest possible transparency to all the aforementioned operations.

Lastly, the Sensitive Materials Control Act defines and regulates offences and administrative penalties, and introduces an additional provision which establishes the concept of the "economic group" in order to cover all situations which may relate to trafficking or trading in sensitive goods.

The enabling regulations for the Act develop and clarify the systems used for monitoring sensitive goods.

To enable the administration to verify transactions relating to sensitive goods, the regulations make it mandatory to have a licence and to record all such transactions.

The regulations provide for modalities for the issue of operating licences and define transactions relating to activities involving trading in sensitive goods subject to monitoring, detailing the information to be included in registers and providing the

basis for operators wishing to use a computerized register. The Customs Department of the Ministry of Finance is responsible for the application of the rules set out in the legislation and controls and registers all the material or products imported into Andorra.

According to the records of the Customs Department, no nuclear weapon has ever been imported into the country.

With regard to nuclear products or devices or materials which may contain such products, the Andorran Customs Department has provided information which shows that only a few negligible quantities of certain products of this type have been imported into Andorra (annex 5 contains a summary table on all those items). The Customs Department further informs us that in 2006 there were no imports or exports between Andorra and Iran.

Andorra's location in the middle of the Pyrenees makes maritime access impossible. Furthermore, the geographical features of Andorra make it impossible for the country to have a public or private airport or airfield where aircraft can land. Andorra has a heliport and helipad owned by private enterprises. Any helicopter wishing to fly over Andorran airspace must obtain specific authorization from the Department of Transport and Energy of the Ministry of Economic Affairs indicating the date, hour, type of mission, flight path and takeoff and landing points in accordance with the 2 April 1992 Decree concerning the use of helicopters in the Principality of Andorra. For international flights, the application must include a flight plan, which the Government communicates to the countries to be flown over and the final destination. All incoming international helicopter flights are subject to customs and police controls. However, pursuant to the provisions of the Convention on International Civil Aviation, article 33 of the Air Navigation Act of 9 November 2000 provides that aircraft must have on board a set of documents issued by the relevant authority. Passenger helicopters are required to have a passenger manifest, indicating the places of embarkation and destination; goods helicopters must have a goods manifest and goods declaration.

The usual access to Andorra is by land, through only two entry points: the French-Andorran border in the north and the Spanish-Andorran in the south. Consequently, goods imported into Andorra have to pass through the border checkpoints of our neighbouring countries.

Under the Industrial Safety and Quality Act of 22 June 2000, the Government may authorize the establishment of industrial activities, the inspection of premises and provide for the punishment of offences relating to activities which have not been expressly authorized. All industrial activities are recorded in the appropriate register and can therefore be easily verified. Furthermore, under article 11 of the Act, the competent Ministry may at any time visit the enterprise, or send a monitoring body designated for that purpose, to verify that the provisions of the Act and safety measures are being complied with.

Any importer planning to buy certain industrial products which are considered hazardous to health, safety, public order or morality, or to purchase certain goods which may be used in fraudulent international or black market transactions, must first seek authorization from the Government.

One of the purposes of the Act is to enable the Principality to adapt to the standards governing industrial activity in neighbouring countries, and particularly to

European harmonization standards, since almost all industrial products which can be used in Andorra come from European Union countries and therefore comply with current European rules and standards. Consequently, implementation of those rules enables Andorra to comply with appropriate, effective and necessary physical protection measures.

Thus, the Government uses that Act to constantly monitor products entering Andorra.

Certain types of equipment destined for health establishments or centres and which might contain nuclear components, are strictly inspected and monitored as soon as they enter Andorran territory. Pursuant to the decree on health administration dated 18 December 1996, governing health and social-health centres, services and establishments, and its implementing regulations, an administrative authorization must be obtained for the opening, enlargement, modification, closure or relocation of any health establishment; such centres must be registered and records must be kept of any equipment that may contain nuclear materials.

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Since the only access to Andorra is by land, individuals arriving in Andorra would have already crossed entry and exit checkpoints in our neighbouring countries.

This does not relieve the Andorran border police of the duty to screen those individuals again to ensure, for example, that they have the necessary travel documents, such as a passport, and even checking to ensure that they have enough money for their stay in Andorra.

Nonetheless, since the 11 September 2001 attacks, the Andorran police, with awareness heightened by the events that shocked the whole world, have reinforced their border controls in order to prevent potential terrorists from entering Andorra.

Furthermore, the members of the police force have undergone training, in cooperation with the French and Spanish police, to improve their ability to detect falsified documents. In order to prevent the use of counterfeit passports, Andorra follows the rules of the International Civil Aviation Organization (ICAO) concerning official travel documents. These rules have been followed since 19 April 1995, even before Andorra's adherence to the Convention on International Civil Aviation on 26 January 2001. The Andorran police clears any doubts it may have with the operational intelligence units. Moreover, as a member of the International Criminal Police Organization (Interpol), the Andorran police force has access to various Interpol databases through specially trained personnel available 24 hours a day.

These security measures allow for strict surveillance and prevent the use of counterfeit documents. The measures also apply to immigration cards.

In matters concerning visas, Andorra does not have its own legislation. In December 2000, however, the Principality signed an agreement with France and Spain concerning the movement and stay of third-country nationals in Andorra, article 2 of which provides that "the Contracting Parties undertake to coordinate their legislation on the entry and stay of third-country nationals, taking into particular account, their respective interests and their international commitments. To

that end, the Contracting Parties shall regularly provide each other with the list of third States whose nationals are subject to a visa requirement for a visit or stay of less than 90 days".

Nonetheless, if a person whose name is on the list annexed to resolution 1737 (2006) enters Andorra in order to establish residence there, he or she must follow the procedure required for immigration purposes. Anyone who wishes to become a legal resident of Andorra must submit an application for immigration to the Immigration Service (Immigration Service Regulatory Decree of 16 October 2002, art. 2). However, pursuant to the Immigration Organization Act of 14 May 2002, which provides for a background check of the applicant, the application may be rejected; this may result in the denial of authorization to immigrate.

Accordingly, under the immigration act, the police authorities (art. 4 of the Immigration Service Decree) are competent to screen all the applications, investigate immigration cases with respect to security, public order and residence and ensure that the situation of the applicants is in accordance with the law.

The Immigration Organization Act of 14 May 2002 establishes certain personal criteria to be considered at the time of granting an immigration authorization: inter alia, article 42 provides that a person who submits an immigration application must not pose any danger to the security of the State or of persons or property, or to law and order, and article 47 provides for refusing authorization in cases where documents or information have been falsified or withheld. (The same criteria would apply to residents who wish to renew their immigration authorizations.)

When the Ministry of Foreign Affairs receives the Committee's Consolidated List of those subject to the sanctions described in Security Council resolution 1267 (1999) and successor resolutions, and the list established by resolution 1737 (2006), it transmits them to the Ministry of Justice and Internal Affairs for onward transmission to the police and immigration departments, respectively.

These lists are entered into the police database and may be consulted by police officers during any screening.

III

The Ministry of Foreign Affairs of Andorra has also transmitted the lists issued by the Security Council Committee established pursuant to resolution 1737 (2006) to the Money-Laundering Prevention Unit. Within the jurisdiction granted to it under article 53 of the Act on International Cooperation in Criminal Matters and Prevention of the Laundering of Money or Securities Constituting the Proceeds of International Crime, the Unit issues official communications (included in a confidential annex) reproducing the lists of natural and legal persons involved in nuclear or ballistics missiles programmes, and later transmits them to entities under obligation to report. (Annex 6)

Article 51 of the Act obligates those responsible for combating money-laundering to monitor all transactions that, although not suspicious, take place under complex or unusual conditions and seem to have no economic justification or legal purpose, and especially transactions likely to involve money-laundering operations and those requiring special monitoring according to the non-restrictive official communications issued by the Money-Laundering Prevention Unit. If one of the

entities under an obligation to report under the Act has reason to suspect that a transaction may be linked to one of the entities or individuals listed in the official communications, that transaction is blocked by the Unit and the corresponding file is subsequently transmitted to the Public Prosecutor.

Although the list of names of individuals and entities referred to in the annex of the resolution has been transmitted to those with a reporting obligation, including financial institutions, to date the Unit has not received any suspicious transaction report against those individuals and entities.

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Security Council

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Security Council Committee established pursuant to resolution 1737 (2006)

Note verbale dated 12 March 2007 from the Permanent Mission of the Republic of Korea to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Korea to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1737 (2006) and, with reference to the latter's note dated 7 February 2007, has the honour to submit the report of the Republic of Korea on the implementation of the measures set out in Security Council resolution 1737 (2006) (see annex).

07-27060 (E) 300307

Annex to the note verbale dated 12 March 2007 from the Permanent Mission of the Republic of Korea to the United Nations addressed to the Chairman of the Committee

Report of the Republic of Korea on the Implementation of Measures Set Out in United Nations Security Council resolution 1737 (2006)

- Operative paragraph 19 of United Nations Security Council resolution 1737 (2006) decided that all states shall report to the Security Council on the steps taken with a view to implementing effectively UNSCR 1737. The Republic of Korea (ROK) would like to inform the Security Council that it is implementing all necessary measures decided upon in UNSCR 1737.

Implementation

Operative paragraph 3:

Decides that all States shall take the necessary measures to prevent the supply, sale or transfer directly or indirectly from their territories, or by their nationals or using their flag vessels or aircraft to, or for the use in or benefit of, Iran, and whether or not originating in their territories, of all items, materials, equipment, goods and technology which could contribute to Iran's enrichment-related, reprocessing or heavy water-related activities, or to the development of nuclear weapon delivery systems, namely:

(a) those set out in sections B.2, B.3, B.4, B.5, B.6 and B.7 of INFCIRC/254/Rev.8/Part 1 in document S/2006/814;

(b) those set out in sections A.1 and B.1 of INFCIRC/254/Rev.8/Part 1 in document S/2006/814, except the supply, sale or transfer of:

(i) equipment covered by B.1 when such equipment is for light water reactors;

(ii) low-enriched uranium covered by A.1.2 when it is incorporated in assembled nuclear fuel elements for such reactors;

(c) those set out in document S/2006/815, except the supply, sale or transfer of items covered by 19.A.3 of Category II;

(d) any additional items, materials, equipment, goods and technology, determined as necessary by the Security Council or the Committee established by paragraph 18 below (herein "the Committee"), which could contribute to enrichment-related, or reprocessing, or heavy water-related activities, or to the development of nuclear weapon delivery systems;

Operative paragraph 4:

Decides that all States shall take the necessary measures to prevent the supply, sale or transfer directly or indirectly from their territories, or by their nationals or using their flag vessels or aircraft to, or for the use in or benefit of, Iran, and whether or not originating in their territories, of the following items, materials, equipment, goods and technology:

(a) those set out in INFCIRC/254/Rev.7/Part 2 of document S/2006/814 if the State determines that they would contribute to enrichment-related, reprocessing or heavy water-related activities;

(b) any other items not listed in documents S/2006/814 or S/2006/815 if the State determines that they would contribute to enrichment-related, reprocessing or heavy water-related activities, or to the development of nuclear weapons delivery systems;

(c) any further items if the State determines that they would contribute to the pursuit of activities related to other topics about which the IAEA has expressed concerns or identified as outstanding;

Operative paragraph 5:

Decides that, for the supply, sale or transfer of all items, materials, equipment, goods and technology covered by documents S/2006/814 and S/2006/815 the export of which to Iran is not prohibited by subparagraphs 3(b), 3(c) or 4(a) above, States shall ensure that:

(a) the requirements, as appropriate, of the Guidelines as set out in documents S/2006/814 and S/2006/985 have been met; and

(b) they have obtained and are in a position to exercise effectively a right to verify the end-use and end-use location of any supplied item; and

(c) they notify the Committee within ten days of the supply, sale or transfer; and

(d) in the case of items, materials equipment, goods and technology contained in document S/2006/814, they also notify the IAEA within ten days of the supply, sale or transfer;

Actions taken or to be taken

- The ROK Government had already established a range of legislative and executive measures that ensure compliance with the requirements set out in operative paragraphs 3, 4 and 5 of UNSCR 1737 and will continue to complement and strengthen those measures.
- The Republic of Korea is a member of all international non-proliferation and export control regimes relating to nuclear, chemical and biological weapons missiles and conventional weapons, such as the Nuclear Suppliers Group (NSG), the Missile Technology Control Regime (MTCR), the Australia Group (AG), the Zangger Committee (ZC) and the Wassenaar Arrangement (WA). Through participation in these multilateral regimes, the Republic of Korea has been implementing strict export and import controls over nuclear, chemical and biological weapons, missiles and related materials in conformity with international standards.
- Major laws and regulations on export controls of the Republic of Korea include the *Foreign Trade Act, Technology Development Promotion Act, Atomic Energy Act, Defense Industry Act*, and their related regulations. The *Combined Notice of Export/Import of Strategic Items and Technologies* covers all controlled items from the five multilateral export control regimes (the NSG,

MTCR, AG, ZC and WA), and provides for detailed export and import control regulations, and specification of controlled items.

- The ROK Government established its export control system for strategic items in 1992. The system has been strengthened and expanded over the years. Since January 2003, the catch-all system, which controls the export of non-controlled items and technologies that could be used for the development of nuclear, chemical and biological weapons, missiles and related materials, has been in force. Furthermore, a comprehensive revision of the *Foreign trade Act* was undertaken in September 2003, and the *Combined Notice of Export/Import of Strategic Items and technologies* was wholly amended in October 2004 so as to fully meet international standards.

- In light of the increasing importance of the issue worldwide, the Ministry of Commerce, Industry and Energy established the Strategic Items Control Division in February 2004 to reinforce export controls on strategic items. Furthermore, the Strategic trade Information Center (STIC), a special organization affiliated with the Korea International Trade Association, was established in August 2004 to assist companies in the conduct of business related to strategic items. The Center operates an online Strategic Trade Information System (www.yestrade.go.kr) jointly with the Ministry of Commerce, Industry and Energy to assist companies in exercising voluntary export controls by providing relevant information online regarding preliminary reviews, export licensing procedures, global trends and domestic regulations governing strategic items.

  - The Ministry of Commerce, Industry and Energy is currently transforming the Strategic Trade Information Center into the Korea Strategic Trade Institute to enhance expertise on export controls and strengthen support for companies. The transformation is expected to be completed in June 2007.

- Once the Security Council or the sanctions Committee established pursuant to operative paragraph 18 of UNSCR 1737 notifies the ROK of any additional control items, the items will be controlled on an equal basis with items controlled by the *Combined Notice of Export/Import of Strategic Items and Technologies*.

- The ROK Government will examine end-users and their declared use of the exported items. It will inform the Sanctions Committee and IAEA, once it reaches a decision to grant export permission.

- The individuals and entities designated by the Security Council have been listed in the *Database List of Persons and Entities Not Suitable for Export of Strategic Items* of the Ministry of Commerce, Industry and Energy. The individuals and entities to be designated by the Security Council or the Sanctions committee will also be added to the *Database List*.

- The Ministry of Construction and Transportation incorporated the controlled items under UNSCR 1737 into the list of prohibited items in the *Guidelines on Approval of Aircraft Passing through the Territorial Airspace* under the *Aviation Act*. The Ministry of Maritime Affairs and Fisheries notified all Korean shipping companies of UNSCR 1737 to prevent shipment of the items prohibited by UNSCR 1737.

Operative paragraph 6

Decides that all States shall also take the necessary measures to prevent the provision to Iran of any technical assistance or training, financial assistance, investment, brokering or other services, and the transfer of financial resources or services, related to the supply, sale, transfer, manufacture or use of the prohibited items, materials, equipment, goods and technology specified in paragraphs 3 and 4 above;

Actions taken or to be taken

- The Ministry of Commerce, Industry and Energy has revised the *Foreign Trade Act* to provide a legal basis for controlling brokering. The revision is expected to come into force in April 2007. The Ministry of Science and Technology is currently revising the *Technology Development Promotion Act* and its related regulation to provide a legal basis for controlling intangible technology transfers. The revision is expected to come into force in June 2007.

Operative paragraph 7:

Decides that Iran shall not export any of the items in documents S/2006/814 and S/2006/815 and that all Member States shall prohibit the procurement of such items from Iran by their nationals, or using their flag vessels or aircraft, and whether or not originating in the territory of Iran;

Actions taken or to be taken

- None of the items indicated in documents S/2006/814 and S/2006/815 has ever been imported from Iran to the Republic of Korea. The ROK Government has been further strengthening guidance and supervision to companies to prevent the procurement of such items.

Operative paragraph 10:

Calls upon all States to exercise vigilance regarding the entry into or transit through their territories of individuals who are engaged in, directly associated with or providing support for Iran's proliferation sensitive nuclear activities or for the development of nuclear weapon delivery systems, and decides in this regard that all States shall notify the Committee of the entry into or transit through their territories of the persons designated in the Annex to this resolution (herein "the Annex"), as well as of additional persons designated by the Security Council or the Committee as being engaged in, directly associated with or providing support for Iran's proliferation sensitive nuclear activities and for the development of nuclear weapon delivery systems, including through the involvement in procurement of the prohibited items, goods, equipment, materials and technology specified by and under the measures in paragraphs 3 and 4 above, except where such travel is for activities directly related to the items in subparagraphs 3 (b) (i) and (ii) above;

Actions taken or to be taken

- The ROK Government has taken measures to monitor the entry into or transit through its territories of twelve persons designated by the Security Council and the ROK Government will notify the Sanctions Committee of the entry

into or transit through its territories of the persons designated by the Security Council.

Operative paragraph 12:

Decides that all States shall freeze the funds, other financial assets and economic resources which are on their territories at the date of adoption of this resolution or at any time thereafter, that are owned or controlled by the persons or entities designated in the Annex, as well as those of additional persons or entities designated by the Security Council or by the Committee as being engaged in, directly associated with or providing support for Iran's proliferation sensitive nuclear activities or the development of nuclear weapon delivery systems, or by persons or entities acting on their behalf or at their direction, or by entities owned or controlled by them, including through illicit means, and that the measures in this paragraph shall cease to apply in respect of such persons or entities if, and at such time as, the Security Council or the Committee removes them from the Annex, and decides further that all States shall ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any persons or entities within their territories, to or for the benefit of these persons and entities;

Actions taken or to be taken

- On 5 February 2007, the ROK Government revised the *Public Notice for International Peace and Security* for freezing of funds, other financial assets and economic resources that are owned or controlled by the persons or entities designated by the Security Council or by the Sanctions Committee.

Operative paragraph 17:

Calls upon all States to exercise vigilance and prevent specialized teaching or training of Iranian nationals, within their territories or by their nationals, of disciplines which would contribute to Iran's proliferation sensitive nuclear activities and development of nuclear weapon delivery systems;

Actions taken or to be taken

- The ROK Government has notified all relevant authorities and institutes not to teach or train Iranian nationals of disciplines which could contribute to Iran's proliferation sensitive nuclear activities and development of nuclear weapon delivery systems. Moreover, the ROK Government will further strengthen the implementation of the *Combined Notice of Export/Import of Strategic Items and Technologies* to prevent such specialized teaching or training of Iranian nationals.

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Security Council

Distr.: General
14 March 2007

Original: English

Security Council Committee established pursuant to resolution 1737 (2006)

Note verbale dated 2 March 2007 from the Permanent Mission of Serbia to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Serbia to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1737 (2006) and, with reference to the latter's note of 7 February 2007, has the honour to inform of the following:

In compliance with its treaty actions and national legislation (Law on Foreign Trade of Arms, Military Equipment and Duel-Use Goods, Official Gazette of Serbia and Montenegro, No. 7 of 18 February 2005), and fully incorporating the relevant requirements contained in the European Union Code of Conduct on Arms Exports; the Law on the Transport of Dangerous Goods, Official Gazette of the Socialist Federal Republic of Yugoslavia (Serbia and Montenegro), Nos. 27/90 and 45/90 and Official Gazette of the Federal Republic of Yugoslavia (Serbia and Montenegro), Nos. 24/94, 28/96, 21/99, 44/99 and 68/2002; the Law on the Transport of Explosives, Official Gazette of the Socialist Federal Republic of Yugoslavia (Serbia and Montenegro), Nos. 30/85, 6/89 and 53/91 and Official Gazette of the Federal Republic of Yugoslavia (Serbia and Montenegro), Nos. 24/94, 28/96 and 68/2002; the agreement on the application of safeguards in connection with the Treaty for the Non-Proliferation of Nuclear Weapons signed by the Socialist Federal Republic of Yugoslavia (Serbia and Montenegro) and by the International Atomic Energy Agency, Official Gazette of the Socialist Federal Republic of Yugoslavia (Serbia and Montenegro), No. 67/73, the Republic of Serbia has taken the following measures to give effect to the relevant paragraphs of Security Council resolution 1737 (2006):

(a) It prevents the supply, sale of transfer directly or indirectly from its territories, or by its nationals or using its flag vessels or aircraft to, or for the use in or benefit of, Iran, and whether or not originating in its territories, of all items, materials, equipment, goods and technology which could contribute to Iran's enrichment-related reprocessing or heavy water-related activities, or to the development of nuclear weapon delivery systems;

(b) It prevents the provision of any technical assistance or training, financial assistance, investment, brokering or other services, and the transfer of financial

resources or services, related to the supply, sale, transfer, manufacture or use of the prohibited items, materials, equipment and technology specified in the annexes to documents S/2006/814 and S/2006/815, and their delivery by Iranian nationals;

(c) It prohibits the entry into or transit through its territories of individuals who are engaged in, directly associated with or providing support for Iran's proliferation sensitive nuclear activities;

(d) It freezes the funds, other financial assets and economic resources which are on its territories that are owned or controlled by the persons or entities designated in the annex to resolution 1737 (2006), as well as those of additional persons or entities designated by the Security Council or by the Committee as being engaged in, directly associated with or providing support for Iran's proliferation sensitive nuclear activities;

(e) It prevents specialized teaching or training of Iranian nationals, within its territories or by its nationals, of disciplines which would contribute to Iran's proliferation sensitive nuclear activities and development of nuclear weapon delivery systems;

(f) It complies with the exceptions recommended by the Committee established by the Security Council under its resolution 1737 (2006) and by the International Atomic Energy Agency.

United Nations S/AC.50/2007/53

Security Council

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16 March 2007
English
Original: Russian

Security Council Committee established pursuant to resolution 1737 (2006)

Note verbale dated 6 March 2007 from the Permanent Mission of Kyrgyzstan to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Kyrgyzstan to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1737 (2006) concerning the Islamic Republic of Iran and has the honour, with reference to resolution 1737 (2006), to communicate the following.

The relevant ministries and agencies of Kyrgyzstan have been notified of the imposition of a sanctions regime on the Islamic Republic of Iran, and also of the need to be guided in their work by the above-mentioned Security Council document.

The Ministry of Industry, Trade and Tourism of Kyrgyzstan has conducted an inventory of goods exported to the Islamic Republic of Iran.

The primary items exported from Kyrgyzstan to the Islamic Republic of Iran are agricultural products and consumer goods (filament lamps). No goods which could be used in programmes related to the development of nuclear weapons have been supplied by Kyrgyzstan to the Islamic Republic of Iran.

The State Customs Committee of Kyrgyzstan has circulated instructions to the customs agencies to strengthen customs control of imported and exported items, materials, equipment, goods and technology related to the supply, sale, transfer, manufacture or use of prohibited items, materials, equipment, goods and technology.

The National Bank of Kyrgyzstan has also disseminated the relevant information to commercial banks.

As more detailed information is received, the Permanent Mission of Kyrgyzstan to the United Nations stands ready to provide additional information to the Security Council Committee established pursuant to resolution 1737 (2006) concerning the Islamic Republic of Iran.

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Security Council

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20 March 2007

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Security Council Committee established pursuant to resolution 1737 (2006)

Note verbale dated 16 March 2007 from the Permanent Mission of Viet Nam to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Socialist Republic of Viet Nam to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution 1737 (2006), and has the honour to transmit to the latter the report of the Socialist Republic of Viet Nam on the implementation of resolution 1737 (2006) (see annex).

07-27597 (E) 290307

Annex to the note verbale dated 16 March 2007 from the Permanent Mission of Viet Nam to the United Nations addressed to the Chairman of the Committee

Viet Nam country report on the implementation of the United Nations Security Council resolution 1737 (2006)

The consistent position of Viet Nam is against the proliferation of weapons of mass destruction towards the complete elimination of these weapons. Pursuant to paragraph 19 of resolution 1737 (2006) of the United Nations Security Council, Viet Nam now offers its country report to the Security Council on the current legal system of Viet Nam as well as measures that Viet Nam takes to implement resolution 1737 (2006) as follows:

1. In regard to the supply, sale and transfer of the items referred to in the provisions of the resolution (paragraphs 3, 4, 5, 6, 7)

In Viet Nam, all weapons and armaments are under the strict and sole control of the State and individuals are prohibited from possessing and using weapons. Weapons and related materials are considered special goods that are prohibited from production, stockpiling, transporting and trading. Apart from the laws and regulations applied generally on all weapons, Viet Nam also promulgated additional regulations for the control of weapons of mass destruction and related materials.

Articles 230, 232, 234, 236, 237, 238 and 239 of the Criminal Code of 1999 set out the detailed punishment frameworks for offence on illegally producing, stockpiling, transporting, using, trading in and appropriating military weapons and technical equipments; offence on breaching regulations on management of weapons, explosives and supporting equipment; offence on illegally producing, stockpiling, transporting, using, trading in and appropriating radioactive substances; offence on breaching regulations on radioactive substances management; offence on illegally producing, stockpiling, transporting, using or trading in inflammables, toxins; and offence on breaching regulations on the management of inflammables, toxins.

Since 1996, Viet Nam has promulgated the Ordinance on Radiation Safety and Control, which clearly provides that all activities relating to radioactive substances, whether conducted by the State or individuals including the possession, use, production, import-export and transportation of radioactive sources and nuclear materials must acquire the permission and abide by the control of the Ministry of Science and Technology. On 16 July 1998, the Government of Viet Nam further promulgated Decree No. 50/1998/ND-CP guiding the detailed implementation of the Ordinance.

Since the year 2000, in order to enhance and further improve the system of and measures for management and control, the Viet Nam Atomic Energy Agency, in collaboration with the Nuclear and Radiation Safety Bureau (now known as the Department of Radiation and Nuclear Control and Safety), has designed and implemented the National Nuclear and Radiation Safety Action Plan. The key components of the action plan include: further improving the basic legal system relating to radioactive safety and control, promulgating a Government decree on the implementation of the Ordinance on Radiation Safety and Control, Decree on

Administrative Punishments for Violations in the Radiation Safety and Control as well as a number of other related circulars, directives and standards; improvement of the State managerial system for radiation safety and control from the Centre to the localities while at the same time conducting licensing and inspection works for radioactive establishments in the country. In 2006, Viet Nam enacted a number of legal instruments relating to radiation safety and control, namely Circular No. 05/2006/TT-BKHCN on guiding declaration and licensing procedures for radiation related activities; Circular No. 10/2006/TT-BKHCN on guiding specialized supervision work for radiation safety and control; Directive No. 13/2006/CT-BKHCN on strengthening control work of radiation safety and security; and Decree No. 51/2006/ND-CP dated 19 May 2006 on punishment for administrative violations in radiation safety and control. The Draft Law on Nuclear Energy is planned to be submitted to the Government and the National Assembly in 2007.

In regard to chemicals, the Ministry of Industry is the State monitoring authority. On 3 August 2005, the Government of Viet Nam promulgated Decree No. 100/2005/ND-CP on the implementation of the Convention on Chemical Weapons, which gives out strict regulations for the transfer of chemicals. Besides, the Draft Law on Chemicals is planned to be submitted to the National Assembly for consideration in 2007.

On 26 August 2005, the Prime Minister issued Decision No. 212/2005/QD-TTg promulgating the Regulation on Bio-safety Control over Genetically Modified Organisms (GMO) and GMO-based products. The Regulation provides for State management over bio-safety in the following activities: scientific research, technological invention, testing; production, trading and use; import, export, storage and transportation; risk assessment and management, bio-safety licensing for GMO and GMO-based products in order to protect human health, the environment and bio-diversity.

Article 15 of Decree No. 32/2005/ND-CP of the Government sets out the Regulations on Land Border Gates and prohibits "smuggling and transporting or illegal using goods, currencies, weapons of various types, explosives, inflammables, toxins, radioactive substances, narcotics and other goods banned from import and export by the State" at the border gates.

Article 242 of the 2005 Trade Law clearly stipulates that "All goods of foreign organisations and individuals are permitted to transit through the territory of Viet Nam and only need to complete customs procedures at the entry and exit customs points in accordance with the laws except in the following cases: Goods that are weapons, ammunition, explosives and other highly dangerous goods unless having the permission of the Prime Minister" ... According to Annex 01 attached to Decree No. 12/2006/ND-CP issued on 23 January 2006 by the Government on the Regulations for Implementation of the Trade Law regarding international trading of goods and activities of dealers working in the field of buying, selling, processing and transiting goods with foreign countries, "weapons, ammunition, explosives (except for industrial explosives), military equipment and technology" fall into the list of prohibited goods for export.

In regard to the temporary import for re-export, regulations for business in the form of temporary import for re-export and transit shipment stipulate that the temporary import for re-export and transit shipment of prohibited goods must have the permission of the Ministry of Trade.

Article 159 of Viet Nam Civil Aviation Law of 2006 stipulates that "Air transportation of weapons, war devices and nuclear waste is prohibited in the territory of Viet Nam except the special cases with the permission of competent authorities. This regulation is also applied to chartered aircraft."

Regarding the trans-shipment of goods, the Inter-disciplinary Circular No. 08/2004/TTLT-BTM-BTC-BGTVT issued by the Ministries of Trade, Finance and Transport on 17 December 2004 on the instruction of container trans-shipment services at Viet Nam's sea ports specify the prohibited goods in trans-shipment as follows: weapons, ammunition, explosives and military equipment; atomic waste and toxic substances in the Prohibited Toxic Chemicals List as stipulated by the Vietnamese laws.

Viet Nam's customs have been and will be undertaking the following measures:

- Cooperate with the other countries' customs and relevant international organizations on the transportation of prohibited and smuggled goods across borders.
- Conduct capacity-building and customs modernization projects and provide border gates with advanced equipments to enhance the goods supervision across national borders.
- Formulate and upkeep the control measures for cross-border goods in a proper and effective manner; assure law enforcement to detect and prevent the illegal transportation of smuggled and prohibited goods, weapons, explosives and other hazardous substances.

2. In regard to entry and exit (para. 10)

In the Ordinance on Entry, Exit and Residence of Foreigners in Viet Nam No. 24/1999/PL-UBTVQH10 on 28 April 2000, article 1 (2) reads "Foreigners entering, departing, transiting or residing in Viet Nam must abide by Vietnamese laws and respect the traditions, custom and practices of the Vietnamese people. It is strictly prohibited to take advantage of the entry, exit, transit and residence in Viet Nam to violate the law."; article 1 (3) further reads "In case of international conventions or treaties that Viet Nam is adhered to otherwise stipulate in regard to the entry, exit, transit and residence of foreigners in Viet Nam, the provisions of such international conventions or treaties shall prevail." Besides, article 4 of the Ordinance makes it clear that "foreigners entering or exiting Viet Nam must hold passports or alternative travel documents (hereinafter referred to as passport) with a valid visa issued by an authorized Vietnamese agency, except for cases wherein a visa is not required." Article 19 of the Ordinance also stipulates that "the Ministry of Public Security has the responsibility before the Government to lead the State managerial activities on entry, exit and residence of foreigners in Viet Nam."

Apart from the Ordinance of 2000, there are also the Decree No. 21/2001/ND-CP for detail implementation of the Ordinance of 2000 and the Decree No. 32/2005/ND-CP on 11 March 2005 of the Government stipulating the Regulations for Land Border Gates and the exit and entry, transit, import and export through the border gates of people, vehicles and goods, in order to manage and protect sovereignty and national border security. Article 15 of this Decree strictly

prohibits all false passports and travel documents; organization, guide and transportation of people for illegal migration purposes at border gates.

As regard to the national waters, the Ordinance on Marine Police of Viet Nam No. 04/1998/PL-UBVQH10 dated 25 March 1998 stipulates that the Vietnamese Marine Police is the designated force of the State to conduct State management and maintain law and order as well as the adherence to Vietnamese laws and other related international treaties and conventions that Viet Nam is a party to over Vietnamese waters and continental shelf.

These are the legal basis for Vietnamese relevant authorities to tightly control the entry and exit of travellers at its border gates.

3. In regard to the freezing of funds, financial assets and economic resources (para. 12)

The legal base for Viet Nam to implement paragraph 12 of resolution 1737 by the United Nations Security Council is composed of the following documents: the 1997 Law on State Bank (modified in 2003); the 1997 Law on Credit Institutions (modified in 2004); the 2005 Ordinance on Foreign Exchange; Decree No. 202/2004/ND-CP dated 10 December 2004 by the Government on Administrative Penalties in monetary field and banking operations; Decree No. 64/2001/ND-CP dated 20 September 2001 by the Government, on payments through payment service organizations; Decree No. 74/2005/ND-CP dated 7 June 2005 by the Government on prevention and combat money-laundering; Decree No. 48/2001/ND-CP by the Government on the Operation of the People's Credit Funds; and Decree No. 69/2005/ND-CP dated 26 May 2005 by the Government on the Amendments of Decree No. 48.

In particular, Decree No. 74/2005/ND-CP dated 7 June 2005 by the Government stipulates measures to address money-laundering in Viet Nam in monetary or asset transactions, including the responsibilities of individuals and agencies in preventing and countering money-laundering as well as international cooperation in this field. In accordance with the Decree, an Anti-Money Laundering Information Centre (AMLIC) administered by the State Bank is set up to receive information on illegal transactions or transactions of illegal origins. Financial institutions and non-banking intermediary stakeholders such as lawyers and accountants are obliged to report suspicious transactions. The State Bank of Viet Nam is assigned as the lead State monitoring authority and has to report periodically to the Government. The Ministry of Public Security is the lead authority in handling money-laundering related crimes, including investigation of money-laundering cases. Other ministries and agencies have the duty to coordinate with these two authorities to implement the Decree. The Decree also elaborates provisional measures that might be taken in the process of preventing and combating money-laundering as follows:

(a) Not to effect transactions;

(b) To block accounts;

(c) To seal up or seize property;

(d) To seize violators;

(e) Other preventive measures provided for by law.

4. In regard to paragraph 17

Policy and practice in Viet Nam conform to this paragraph of resolution 1737.